

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 18, 19, 22-36, 51-56, 59 and 64-69 were previously pending in this application with claims 23, 24, 28-30, 34, 36, 55, 56, 59, and 64-69 being withdrawn. Claims 19, 51 and 52 have been amended. Claims 66-69 have been canceled herewith. No new matter has been added.

### **Withdrawn Claims and Request for Rejoinder**

Claims 23, 24, 28-30, 34, 36, 55, 56, 59 and 64-69 are withdrawn from consideration. Claims 66-69 have been canceled herewith.

Claims 23, 24, 28-30, 34, 36, 55, 56 and 59 are directed to non-elected species according to the Restriction and Species Election Requirement mailed on October 21, 2005, the Response filed on January 23, 2006, and Office Action mailed on April 21, 2006. Applicant respectfully requests that claims 23, 24, 28-30, 34, 36, 55, 56 and 59 be rejoined based on the allowability of claim 18 and the expected allowability, based on the amendment made herewith, of claims 19, 51 and 52.

Claims 64 and 65 recite methods for synthesizing a polypeptide according to claim 22. These claims depend from claim 22 and therefore include all of the features of those claims. Thus claims 64 and 65 comply with the conditions recited in MPEP 821.04, and should therefore be eligible for rejoinder. Accordingly, Applicant respectfully requests rejoinder and allowance of claims 64 and 65.

**Rejections Under 35 U.S.C. § 112**

1. The Examiner rejected claims 51-56 and 59 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully requests reconsideration.

Claims 51 and 52 now recite that the claimed variable region or fragment are “of an immunoglobulin”. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

2. The Examiner rejected claims 19, 22, 26-28 and 30-36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully requests reconsideration.

Claim 19 now recites that the claimed fragment is “at least 10 amino acids”. Applicant also has amended claim 52 in the same manner. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

**Rejections Under 35 U.S.C. § 102**

1. The Examiner maintained the rejection of claims 19, 26, 31-33, 35, 51-53, 55 and 59 under 35 U.S.C. § 102(b) as being anticipated by Frenken et al. (J. Biotechnology, 2000, 78: 11-21, of record). Applicant respectfully traverses the rejection.

In view of the amendments to the claims made herewith, Applicant submits that the pending claims are entitled to the priority date of the present application. Thus Frenken et al., which was published after the priority date of the present invention, is not prior art to the claimed

invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

2. The Examiner maintained the rejection of claims 19, 31-35, 51, 53, 55 and 59 under 35 U.S.C. § 102(b) as being anticipated by Lauwereys et al. (The EMBO Journal, 1998, 17(13): 3512-3520, of record). Applicant respectfully traverses the rejection.

In view of the amendments to the claims made herewith, Applicant submits that the pending claims are entitled to the priority date of the present application. Thus Lauwereys et al., which was published after the priority date of the present invention, is not prior art to the claimed invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

3. The Examiner rejected claims 19, 22, 26-28, 30-36, 51-56 and 59 under 35 U.S.C. § 102(b) as being anticipated by EP 0584421 A1 (3/2/94, of record). Applicant respectfully traverses the rejection.

In view of the amendments to the claims made herewith, Applicant submits that the pending claims are entitled to the priority date of the present application. Thus EP 0584421 A1, which was published after the priority date of the present invention, is not prior art to the claimed invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

4. The Examiner rejected claims 30-35, 51, 53, 54 and 59 under 35 U.S.C. § 102(b) as being anticipated by Cortez-Retamozo et al. (Int. J. Cancer, 2002, 98: 456-462, of record). Applicant respectfully traverses the rejection.

In view of the amendments to the claims made herewith, Applicant submits that the pending claims are entitled to the priority date of the present application. Thus Cortez-Retamozo et al., which was published after the priority date of the present invention, is not prior art to the claimed invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

1. The Examiner rejected claims 19, 26, 33-35, 51-55 and 59 under 35 U.S.C. § 103(a) as being unpatentable over in view of Frenken et al. (J. of Biotechnology, 2000, 78: 11-21, of record) or EP 0584421 A1 in view of Power and Hudson (Expert Opin. Biol. Ther. 2003, 3(2): 385-389). Applicant respectfully traverses the rejection.

In view of the amendments to the claims made herewith, Applicant submits that the pending claims are entitled to the priority date of the present application. Thus neither Frenken et al. nor EP 0584421 A1 et al., each of which was published after the priority date of the present invention, is prior art to the claimed invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

2. The Examiner rejected claims 19, 31-35, 51, 53-55 and 59 under 35 U.S.C. § 103(a) as being unpatentable over Lauwereys et al. (The EMBO Journal, 1998, 17(13): 3512-3520, of record) in view of Power and Hudson (Expert Opin. Biol. Ther. 2003, 3(2): 385-389). Applicant respectfully traverses the rejection.

In view of the amendments to the claims made herewith, Applicant submits that the pending claims are entitled to the priority date of the present application. Thus Lauwereys et al., which was published after the priority date of the present invention, is not prior art to the claimed

invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

3. The Examiner rejected claims 19, 22 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Frenken et al. (J. Biotechnology, 2000, 78: 11-21, of record) or Lauwereys et al. (The EMBO Journal, 1998, 17(13): 3512-3520, of record) in view of Vaughn et al. (Nature Biotechnology, 1998, 16: 535-539). Applicant respectfully traverses the rejection.

In view of the amendments to the claims made herewith, Applicant submits that the pending claims are entitled to the priority date of the present application. Thus neither Frenken et al. nor Lauwereys et al., each of which was published after the priority date of the present invention, is prior art to the claimed invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

### CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. A0848.70021US08.

Dated: May 4, 2010

Respectfully submitted,  
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